

Committee of Hearing Aid Dealer Examiners
Indiana Medical Licensing Board

Compilation of Statutes and Rules
Updated January, 2002

ARTICLE 20. HEARING AID DEALERS

IC 25-20-1

Chapter 1. Regulation of Hearing Aid Dealers. Creation of Advisory Committee

IC 25-20-1-1

Sec. 1. Except as the context requires otherwise:

"Board" shall mean the medical licensing board.

"Committee" means the committee of hearing aid dealer examiners.

"Hearing aid" shall mean any instrument or device worn on the human body, designed for or represented as aiding, improving or correcting defective human hearing, and any parts, attachments or accessories of such an instrument or device.

"Fit hearing aids" shall mean the hearing aid dealer's or salesman's evaluation or measurement of the powers or range of human hearing for the subsequent selection or adaption or sale of hearing aids.

"Dispense hearing aids" shall mean the sale, lease or rental of a hearing aid to anyone other than a hearing aid dealer.

"Hearing aid dealer" shall mean any person who fits or dispenses hearing aids and who receives a commission or salary derived from the sale of such devices or maintenance of such devices except any person who serves said dealer only in an administrative or clerical manner and who does not evaluate, fit or dispense hearing aids shall be excluded.

"Audiologist" means an individual holding a license to practice audiology issued under IC 25-35.6.

"Registration" shall refer to the legal privilege given a person who holds a hearing aid dealer certificate of registration; and "Temporary Registration" shall refer to the legal privilege given a person who holds a temporary hearing aid dealer certificate of registration.

(Formerly: Acts 1967, c.257, s.1.) As amended by Acts 1981, P.L.222, SEC.142.

IC 25-20-1-1.5

Sec. 1.5. (a) There is established the committee of hearing aid dealer examiners which consists of five (5) members all appointed by the governor to a term of three (3) years. Three (3) members must be hearing aid dealers licensed under this chapter, who are residents of this state and who have been practicing as hearing aid dealers for at least one (1) year prior to their appointment. One (1) member must be an otolaryngologist in this state, who is a resident of this state and who has been engaged in the practice of otolaryngology for at least one (1) year prior to appointment to the committee. One (1) member must be a resident of this state who is in no way associated with the business of hearing aid dealers, audiology, or speech-language pathology other than as a consumer. Whenever a vacancy occurs on the committee, the governor shall appoint a successor to serve the remainder of the term of the vacated member.

(b) Three (3) members present constitute a quorum.

(c) The members serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

As added by Acts 1981, P.L.222, SEC.143. Amended by Acts 1982, P.L.113, SEC.54; P.L.149-1987, SEC.49.

IC 25-20-1-2

Sec. 2. (a) This section does not apply to:

- (1) a person who is an audiologist licensed under IC 25-35.6; or
- (2) the sale of hearing aid batteries or cords.
- (b) It is unlawful for a person to fit or dispense hearing aids in Indiana unless the person holds:
 - (1) a valid hearing aid dealer certificate of registration;
 - (2) a temporary hearing aid dealer certificate of registration; or
 - (3) a student hearing aid dealer certificate of registration;

issued by the board.

(Formerly: Acts 1967, c.257, s.2.) As amended by P.L.236-1989, SEC.1.

IC 25-20-1-3

Sec. 3. The board shall issue a hearing aid dealer certificate of registration to any person who makes application on forms provided by the board if the board has determined to its satisfaction that the applicant:

- (1) is eighteen (18) years of age or older;
- (2) if the applicant applies after June 29, 1992:
 - (A) is a high school graduate; or
 - (B) has a:
 - (i) high school equivalency certificate; or
 - (ii) state of Indiana general educational development (GED) diploma issued under IC 20-10.1-12.1;
- (3) has not been convicted of:
 - (A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or
 - (B) a crime that has a direct bearing on the applicant's ability to practice competently;
- (4) has passed the examination prepared by the committee and given by the board to determine that the applicant has the qualifications to properly fit hearing aids; and
- (5) held a student hearing aid dealer certificate of registration issued under section 5 of this chapter at the time the applicant applied for a hearing aid dealer certificate of registration.

(Formerly: Acts 1967, c.257, s.3; Acts 1973, P.L.252, SEC.10.) As amended by Acts 1978, P.L.2, SEC.2538; Acts 1981, P.L.222, SEC.144; Acts 1982, P.L.113, SEC.55; P.L.152-1988, SEC.13; P.L.186-1991, SEC.1; P.L.48-1991, SEC.33; P.L.149-1995, SEC.16.

IC 25-20-1-4

Sec. 4. In lieu of the Hearing Aid Dealer Certificate of Registration, the board may issue a Temporary Hearing Aid Dealer Certificate of Registration during the period between July 1, 1967 and July 1, 1969. The temporary registration shall be issued to any person who has been regularly engaged in the merchandising of hearing aids for a period of five (5) years according to the same conditions and criteria as used in issuing a Hearing Aid Dealer Certificate of Registration, except that the temporary applicant shall not be required to take an examination. The temporary registration shall be issued with the expiration date of July 20, 1969. The board shall not issue any

temporary registrations with an expiration date that is subsequent to July 20, 1969.
(Formerly: Acts 1967, c.257, s.4.)

IC 25-20-1-5

Sec. 5. The board shall issue student hearing aid dealer certificates of registration subject to the conditions and criteria for the granting of hearing aid dealer certificates of registration except for the examination requirement. In addition to the above requirements, a student registration certificate shall be issued only to a student applicant who is employed or directly supervised in the fitting of hearing aids by a registrant holding a valid registration.

The student hearing aid dealer certificate of registration shall set forth the name of said dealer and said hearing aid dealer shall execute an acknowledgment on the face of said certificate that he is responsible for all acts of the student registrant in connection with the fitting and dispensing of hearing aids.

Said student shall fit or dispense hearing aids only pursuant to the direction of and under the supervision of said hearing aid dealer.

The student hearing aid dealer certificate of registration shall expire one (1) year from the date of its issuance except that at the discretion of the board the certificate may be reissued for one (1) additional year only.

No hearing aid dealer licensed hereunder shall employ, commission, engage or otherwise assume the responsibility for more than three (3) student dealers at any one (1) time, unless approved in writing by the board.

A student hearing aid dealer certificate of registration may be cancelled upon the written request of the responsible hearing aid dealer, acknowledged in writing by the board.

(Formerly: Acts 1967, c.257, s.5.) As amended by Acts 1981, P.L.222, SEC.145.

IC 25-20-1-6

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Sec. 6. When a person applies for a hearing aid dealer certificate of registration or a temporary hearing aid dealer certificate of registration, the person shall be charged a nonrefundable fee established by the board.

(Formerly: Acts 1967, c.257, s.6.) As amended by Acts 1981, P.L.33, SEC.30; P.L.48-1991, SEC.34.

IC 25-20-1-7

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-8

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-9

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-10

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-11

Sec. 11. Standards for licensing shall be determined by the board who may require examination by written and practical tests in order to demonstrate that the applicant is qualified to fit and dispense hearing aids; provided that it

not be conducted in such a manner that college training be required in order to pass the examination. Nothing in this section shall imply that the applicant shall possess the degree of medical competence normally expected by physicians. The examinations shall be given at three (3) month intervals.

The committee shall propose rules to the board concerning the competent practice of hearing aid dealing. The board shall adopt rules, based on the committee's proposed rules, under IC 4-22-2 establishing standards for competent practice as a hearing aid dealer.

(Formerly: Acts 1967, c.257, s.11.) As amended by Acts 1981, P.L.222, SEC.146.

IC 25-20-1-12

Sec. 12. (a) The board shall issue hearing aid dealer certificates of registration which expire on June 30 of each even-numbered year. To renew a hearing aid dealer certificate of registration, the holder of the certificate must pay a renewal fee set by the board before June 30 of each even-numbered year.

(b) If the holder of a certificate does not renew the holder's hearing aid dealer certificate of registration before June 30 of an even-numbered year, the certificate expires without any action taken by the board.

(c) A holder of a hearing aid dealer certificate of registration that expires under this section shall have the certificate reinstated by the board if the holder meets the requirements under IC 25-1-8-6.

(Formerly: Acts 1967, c.257, s.12.) As amended by Acts 1982, P.L.154, SEC.78; P.L.48-1991, SEC.35; P.L.269-2001, SEC.15.

IC 25-20-1-13

Sec. 13. Every registrant, temporary registrant and student registrant shall conspicuously display his certificate of registration as issued under this chapter in his principal place of business, if any.

(Formerly: Acts 1967, c.257, s.13.) As amended by Acts 1982, P.L.154, SEC.79.

IC 25-20-1-14

Sec. 14. (a) If the registrant or temporary registrant changes a place of business of the registrant or temporary registrant, the registrant or temporary registrant shall notify the board, in writing, of the change of address within ten (10) days of the change. Failure to notify the board in writing shall be grounds for suspension or revocation of the registration.

(b) The board shall keep a record of all registrants and temporary registrants containing each registrant's and temporary registrant's last known addresses.

(Formerly: Acts 1967, c.257, s.14.) As amended by P.L.48-1991, SEC.36.

IC 25-20-1-15

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-16

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-17

(Repealed by P.L.48-1991, SEC.78.)

IC 25-20-1-17.1

Sec. 17.1. (a) A complaint against a person registered or temporarily registered under this chapter is subject to

IC 25-1-7.

(b) The board may impose sanctions under IC 25-1-9 against a person registered or temporarily registered under this chapter.

(c) An action taken by the board under this section must be approved by a majority of the quorum.

As added by P.L.48-1991, SEC.37.

IC 25-20-1-18

(Repealed by P.L.48-1991, SEC.78.)

IC 25-20-1-19

(Repealed by P.L.48-1991, SEC.78.)

IC 25-20-1-20

(Repealed by P.L.48-1991, SEC.78.)

IC 25-20-1-21

Sec. 21. A person who violates this chapter commits a Class B misdemeanor.

(Formerly: Acts 1967, c.257, s.21.) As amended by Acts 1978, P.L.2, SEC.2539.

IC 25-20-1-22

IC 25-20-1-22.1

(Repealed by P.L.152-1988, SEC.30.)

IC 25-20-1-23

Sec. 23. The board may adopt and promulgate in the manner prescribed by law, rules and regulations, and adopt application forms and other forms and written materials as necessary in order for it to carry out the provisions and legislative intent of this chapter.

(Formerly: Acts 1967, c.257, s.23.) As amended by Acts 1981, P.L.222, SEC.150.

IC 25-20-1-24

(Repealed by Acts 1972, P.L.13, SEC.51.)

IC 25-20-1-25

Sec. 25. (a) This section applies only to a registrant who has held a certificate issued under this chapter for at least eighteen (18) months.

(b) To renew a hearing aid dealer certificate of registration issued under this chapter, a registrant must complete at least twenty (20) hours of credit in continuing education courses.

(c) To satisfy the requirements of subsection (b), a registrant may use only credit hours earned in continuing education courses completed by the registrant:

(1) after the last date the registrant renewed a certificate under this chapter; or

(2) if the registrant is renewing a certificate for the first time, after the date the registrant was issued the certificate under this chapter.

(d) A registrant may receive credit only for completing continuing education courses that have been approved by the committee, the American Speech-Language-Hearing Association, or the National Institute for Hearing

Instrument Studies.

(e) When a registrant renews a certificate issued under this chapter, the registrant must comply with IC 25-1-4-3.

As added by P.L.186-1991, SEC.2. Amended by P.L.269-2001, SEC.16.

ARTICLE 9. HEARING AID DEALERS

Rule 1. Fees

844 IAC 9-1-1 Fees

Authority: IC 25-1-8-2; IC 25-20-1-6

Affected: IC 25-20-1

Sec. 1. The medical licensing board of Indiana shall charge and collect the following fees:

(1) For the examination and/or reexamination of an applicant to practice as a hearing aid dealer, an administrative/issuance fee of sixty dollars (\$60) payable to the Health Professions Bureau, plus the applicant's cost of purchasing the examination payable to the examination service.

(2) For the renewal of the certificate to practice as a hearing aid dealer, forty dollars (\$40).

(3) For the issuance of a student hearing aid dealer certificate of registration, twenty dollars (\$20).

(4) For the renewal of a student hearing aid dealer certificate, twenty dollars (\$20).

(5) For verification of hearing aid dealer certificate to another state, ten dollars (\$10).

(6) For a duplicate wall certificate, ten dollars (\$10).

(Medical Licensing Board of Indiana; 844 IAC 9-1-1; filed Nov 22, 1985, 4:37 p.m.: 9 IR 766; filed Jun 28, 1996, 9:45 a.m.: 19 IR 3103; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1317)

Rule 2. Definitions

844 IAC 9-2-1 General

Authority: IC 25-20-1-23

Affected: IC 25-20-1

Sec. 1. The definitions in this rule apply throughout this article. *(Medical Licensing Board of Indiana; 844 IAC 9-2-1; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1177; readopted filed Nov 14, 2001, 2:47 p.m.: 25 IR 1317)*

844 IAC 9-2-2 "Board" defined

Authority: IC 25-20-1-23
Affected: IC 25-20-1

Sec. 2. “Board” refers to the medical licensing board of Indiana. (*Medical Licensing Board of Indiana*; 844 IAC 9-2-2; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1177; readopted filed Nov 14, 2001, 2:47 p.m.: 25 IR 1317)

844 IAC 9-2-3 “Bureau” defined
Authority: IC 25-20-1-23
Affected: IC 25-20-1

Sec. 3. “Bureau” refers to the health professions bureau. (*Medical Licensing Board of Indiana*; 844 IAC 9-2-3; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1177; readopted filed Nov 14, 2001, 2:47 p.m.: 25 IR 1317)

844 IAC 9-2-4 “Committee” defined
Authority: IC 25-20-1-23
Affected: IC 25-20-1

Sec. 4. “Committee” refers to the committee of hearing aid dealer examiners. (*Medical Licensing Board of Indiana*; 844 IAC 9-2-4; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1177; readopted filed Nov 14, 2001, 2:47 p.m.: 25 IR 1317)

844 IAC 9-2-5 “Sponsor” defined
Authority: IC 25-20-1-23
Affected: IC 25-20-1

Sec. 5. “Sponsor” refers to a registered hearing aid dealer in good standing serving as a sponsoring or supervising hearing aid dealer for a person who has been issued a student hearing aid dealer certificate. (*Medical Licensing Board of Indiana*; 844 IAC 9-2-5; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1177; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1318)

844 IAC 9-2-6 “Student” defined
Authority: IC 25-20-1-23
Affected: IC 25-20-1-5

Sec. 6. “Student” refers to a person issued a student hearing aid dealer certificate pursuant to IC 25-20-1-5. (*Medical Licensing Board of Indiana*; 844 IAC 9-2-6; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1178; readopted filed Nov 14, 2001, 2:47 p.m.: 25 IR 1317)

Rule 3. Application

844 IAC 9-3-1 Hearing aid dealer registration
Authority: IC 25-20-1-23

Affected: IC 25-1-9; IC 25-20-1-3

Sec. 1. (a) The board may issue a registration to an applicant submitting an application in proper form, together with the nonrefundable fee, specified in 844 IAC 9-1-1, passing the examination, and meeting all other minimum requirements specified in IC 25-20-1-3.

(b) Persons seeking registration as a hearing aid dealer shall file an application on a form supplied by the bureau.

(c) Persons seeking registration as a hearing aid dealer may be requested to appear before the committee and shall provide the following information on, or submit such information with, the application for licensure or permit:

- (1) All names used by the applicant, explaining the reason for the name change(s) or use(s).
- (2) Date and place of birth.
- (3) Whether the applicant has ever been issued a student hearing aid dealer certificate and, if so, the name of the sponsor for that certificate and date the certificate was issued.
- (4) A list of all states, including Indiana, in which the applicant has ever applied for, or held, a certificate to practice as a hearing aid dealer.
- (5) Whether the applicant is, or has ever been, addicted to any narcotic drugs, alcohol, or other drugs, and if so, the details of such addiction.
- (6) Whether the applicant has ever had any disciplinary action taken against any hearing aid dealer certificate, registration, and/or license held by the applicant, by a licensing agency of this state, or any other state or jurisdiction and the date(s) and details of such action.
- (7) Whether the applicant has ever been convicted of any violation of law relating to drug abuse, controlled substances, narcotic drugs, or any other drugs, including the date(s) and details of such conviction.
- (8) A statement that the applicant has not been convicted of a criminal offense (excluding minor traffic violations) nor other offenses as specified in IC 25-1-9, or a certified statement listing all criminal offenses (excluding minor traffic violations) of which the applicant has been convicted. This listing must include:
 - (A) the offense for which the applicant was convicted;
 - (B) the court in which the applicant was convicted; and
 - (C) the cause number in which the applicant was convicted.
- (9) Two (2) passport-type photographs taken within sixty (60) days of the date of submission of the application.

(d) To be eligible to take the examination, the application must be received no later than forty-five (45) days prior to the date of the examination. (*Medical Licensing Board of Indiana; 844 IAC 9-3-1; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1178; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1318*)

844 IAC 9-3-2 Student hearing aid dealer registration

Authority: IC 25-20-1-23

Affected: IC 25-20-1

Sec. 2. A person applying for registration as a student hearing aid dealer shall:

- (1) submit all information required by 844 IAC 9-2-1; and
- (2) submit a statement by a hearing aid dealer registered in Indiana certifying that the hearing aid dealer will serve as a sponsor for the student. This statement shall be signed by the applicant and the sponsor and shall

state that both parties understand the student/sponsor relationship and have read and understand these duties and responsibilities as set forth in 844 IAC 9-6-1.

(Medical Licensing Board of Indiana; 844 IAC 9-3-2; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1178; readopted filed Nov 14, 2001, 2:47 p.m.: 25 IR 1317)

844 IAC 9-3-3 Change of address

Authority: IC 25-20-1-23

Affected: IC 25-20-1

Sec. 3. (a) Each registrant shall inform the board, in writing, of all changes of address for residence and business, within ten (10) days of such change.

(b) A registrant's failure to receive notification of renewal due to failure to notify the board of a change of address shall not constitute an error on the part of the committee, board, or bureau, nor shall it exonerate or otherwise excuse the registrant from renewing such registration. *(Medical Licensing Board of Indiana; 844 IAC 9-3-3; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1178; readopted filed Nov 14, 2001, 2:47 p.m.: 25 IR 1317)*

Rule 4. Certification Renewal

844 IAC 9-4-1 Hearing aid dealer certificate renewal

Authority: IC 25-20-1-23

Affected: IC 25-20-1-25

Sec. 1. (a) Every individual holding a certificate to practice as a hearing aid dealer shall renew that certificate biennially.

(b) An application for renewal shall be on a form provided by the bureau and shall be accompanied by the renewal fee specified in 844 IAC 9-1-1.

(c) Any registrant not renewing the certificate to practice as a hearing aid dealer by June 30 of each even numbered year shall be reinstated upon paying the biennial renewal fee, late fee, completing a renewal form supplied by the board or its duly authorized agent, and submitting proof of meeting the continuing education hour requirements specified in IC 25-20-1-25. *(Medical Licensing Board of Indiana; 844 IAC 9-4-1; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1179; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1318)*

844 IAC 9-4-2 Student hearing aid dealer certificate renewal

Authority: IC 25-20-1-23

Affected: IC 25-20-1-5

Sec. 2. (a) If a student changes sponsors prior to the expiration of the certificate, any subsequent certificate shall be issued for the remaining period of the initial certificate.

(b) Pursuant to IC 25-20-1-5, a student hearing aid dealer certificate may be renewed at the discretion of the board upon recommendation by the committee. Prior to the time of requesting such a renewal, the student and sponsor shall be required to appear before the committee and submit a report outlining the student's training and practical experience.

(c) If such a renewal is granted, the student will be required to reapply and take all parts of the exam. (*Medical Licensing Board of Indiana; 844 IAC 9-4-2; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1179; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1319*)

844 IAC 9-4-3 Application for approval

Authority: IC 25-20-1-25

Affected: IC 25-20-1-25

Sec. 3. (a) The sponsor of the continuing education course must file an application provided by the committee sixty (60) days prior to the date the course is given. The application shall include the following information:

- (1) Name of lecturer or course being offered.
- (2) Brief summary of content of course.
- (3) Date and location of course.
- (4) Number of clock hours of continuing education requested.
- (5) Any other pertinent information required by the committee.

(b) As a condition for approval of its course, the sponsor must agree to provide participants with a record of attendance and to retain records of attendance by participants for four (4) years from the date of the program. (*Medical Licensing Board of Indiana; 844 IAC 9-4-3; filed Apr 23, 1992, 5:00 p.m.: 15 IR 1955; readopted filed Nov 14, 2001, 2:47 p.m.: 25 IR 1317*)

844 IAC 9-4-4 Standards for approval

Authority: IC 25-20-1-25

Affected: IC 25-20-1-25

Sec. 4. (a) Except for courses approved by the American Speech-Language-Hearing Association or the National Institute for Hearing Instrument Studies, all other courses must be approved by the committee. In order to be approved by the committee, all courses for continuing education shall meet the requirements in subsection (b).

(b) The course will make a substantial contribution to the professional competency of hearing aid dealers who enroll. In determining if a course meets this standard, the committee will consider whether the continuing education course:

- (1) has an acceptable statement of objectives which the program shall achieve for its participants;
- (2) will provide adequate administration, including a responsible person to coordinate and administer the course, and will provide for the maintenance of proper records;
- (3) will employ a variety of educational methods and teaching aids that enhance the learning opportunities;
- (4) is of sufficient length to provide a substantial educational experience; courses of less than one (1) hour will be reviewed carefully to determine if they furnish a substantial educational experience; and
- (5) will provide to the participants a meaningful record of attendance stating the continuing education hours involved.

(*Medical Licensing Board of Indiana; 844 IAC 9-4-4; filed Apr 23, 1992, 5:00 p.m.: 15 IR 1955; readopted filed Nov 14, 2001, 2:47 p.m.: 25 IR 1317*)

844 IAC 9-4-5 Responsibilities

Authority: IC 25-20-1-25

Affected: IC 25-20-1-25

Sec. 5. (a) Continuing education hours must be obtained within the biennial renewal period and may not be carried over from one (1) certification period to another.

(b) It is the responsibility of the certificate holder to notify the health professions bureau of courses completed to meet the continuing education requirements of IC 25-20-1-25.

(c) It is the responsibility of the certificate holder to prove that courses attended have been approved by the committee, the American Speech-Language-Hearing Association or the National Institute for Hearing Instrument Studies.

(d) The certificate holder shall maintain his or her continuing education records of a given biennium for a period of two (2) years following the end of that biennium. (*Medical Licensing Board of Indiana; 844 IAC 9-4-5; filed Apr 23, 1992, 5:00 p.m.: 15 IR 1955; readopted filed Nov 14, 2001, 2:47 p.m.: 25 IR 1317*)

Rule 5. Examinations

844 IAC 9-5-1 Examination

Authority: IC 25-20-1-23

Affected: IC 25-20-1

Sec. 1. (a) The examination required for registration shall be designed to demonstrate the applicant's adequate technical and practical qualifications, including, but not limited to, the following:

(1) Written tests of knowledge in areas such as physics of sound, anatomy and physiology of hearing, and the function of hearing aids, as these areas pertain to the fitting or selection and sale of hearing aids.

(2) Evidence of knowledge of situations in which it is commonly believed that a hearing aid is inappropriate.

(3) Practical tests of proficiency in the taking of earmold impressions.

(b) Improper conduct during the examination is reason for dismissal and failure of the applicant from the examination.

(c) A student should endeavor to successfully pass all portions of the hearing aid dealer exam within one (1) year. If the student fails the exam two (2) times, he or she may be required to appear before the committee with his or her sponsor before retaking the exam.

(d) If the student has not successfully completed the exam within one (1) year, he or she may reapply for a student hearing aid dealer certification and must retake all portions of the hearing aid dealer exam successfully in that year to become a hearing aid dealer. (*Medical Licensing Board of Indiana; 844 IAC 9-5-1; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1179; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1319*)

844 IAC 9-5-2 Examination; retakes (*Repealed*)

Sec. 2. (*Repealed by Medical Licensing Board of Indiana; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1320*)

Rule 6. Supervision; Standards of Conduct

844 IAC 9-6-1 Supervision of student hearing aid dealers

Authority: IC 25-20-1-23

Affected: IC 25-1-9; IC 25-20-1

Sec. 1. (a) Supervision means the direct and regular observation and instruction of the student hearing aid dealer by the sponsoring hearing aid dealer and that the sponsor and student shall be present in the same work setting. All tests and fittings performed by the student shall be personally monitored by the sponsor. The student shall meet at least once each working day with the sponsor to review all work performed by the student. This meeting must include the actual presence of the student and sponsor.

(b) It shall be the joint responsibility of the student and the sponsor to see that all testing and sales documents pertinent to each sale, whether or not the sale was consummated, are submitted to and reviewed by the sponsor for the term of the student certificate.

(c) The committee may require a student or sponsor to show proof of the student's training and/or the sponsor's supervision.

(d) A student hearing aid dealer shall clearly identify himself or herself as a student when performing his or her duties prior to any impression taking, testing, or hearing aid fitting.

(e) A student shall prominently display his or her certificate of registration as a student hearing aid dealer in the primary location of his or her employment.

(f) Any violation of these requirements and standards shall subject the student and sponsor to disciplinary action as provided in IC 25-1-9. (*Medical Licensing Board of Indiana; 844 IAC 9-6-1; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1179; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1319*)

844 IAC 9-6-2 Standards of unprofessional conduct

Authority: IC 25-20-1-23

Affected: IC 25-20-1

Sec. 2. The following acts, if performed by a hearing aid dealer or a student hearing aid dealer, shall constitute grounds for disciplinary action:

(1) Aiding and abetting a person to fit and/or dispense hearing aids who does not hold a proper registration or student registration.

(2) Fraudulent billing practices.

(3) Attaching the description "audiologist", "doctor", "physician", or similar terms or abbreviations to a name indicating or inducing others to believe that the person is engaged in the practice of another profession.

(4) Use of any symbol or depiction which connotes the medical or audiological profession.

(5) Use of any terms that could reasonably mislead the public that a private business practice has some relationship to a governmental or nonprofit medical, educational, or research institution or entity.

(6) Use, cause, or promote the use of any advertising media, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceiving, or untruthful. Included among the foregoing acts are misrepresentations relating to:

(A) the grade, quality, quantity, origin, novelty, price, dealer cost, terms of sale, use, construction, size, composition, dimensions, type, design, development, visibility, durability, performance, fit, appearance, efficacy, benefits of any hearing aid, or the psychological well-being induced by a hearing aid; or

- (B) any service or adjustment offered, promised, or supplied to purchasers of any hearing aid.
- (7) Making representations in advertising or otherwise that a hearing aid is “guaranteed”, without clear and conspicuous disclosure of:
- (A) the nature and extent of the guarantee;
 - (B) any material conditions or limitations in the guarantee which are imposed by the guarantor;
 - (C) the manner in which the guarantor will perform thereunder;
 - (D) the identity, address, and telephone number of the guarantor, with disclosure, where applicable, that any guarantee made by the dealer which is not backed up by the manufacturer is offered by the dealer only; and
 - (E) the meaning of “life” or “lifetime” to clarify whether it refers to the life of the purchaser, the product, or otherwise, whenever representations are made that a hearing aid is “guaranteed for life” or has a “lifetime guarantee”.
- (8) Making guarantees, warranties, or any promises which, under normal conditions, are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as may have the tendency to mislead purchasers into the belief that the hearing aid has a greater degree of serviceability, durability, or performance capability in actual use than is in fact true.
- (9) Advertise a particular model, type, or kind of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the advertised model, type, or kind, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type, or kind than that advertised.

(Medical Licensing Board of Indiana; 844 IAC 9-6-2; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1180; readopted filed Nov 14, 2001, 2:47 p.m.: 25 IR 1317)

844 IAC 9-6-3 Standards of conduct

Authority: IC 25-20-1-23

Affected: IC 25-20-1

Sec. 3. A hearing aid dealer shall be required, but not be limited to, do the following:

- (1) Give a truthful, candid, and complete account of the client’s condition to the client or to those responsible for the client’s care.
- (2) Exercise reasonable care and diligence in providing services to clients based upon generally accepted scientific principles, methods, and current professional theory and practice.
- (3) Make reasonable efforts to obtain a consultation with a physician or audiologist whenever requested to do so by a client or by those responsible for a client’s care.
- (4) Report unlawful activity of any other registrant or student to the committee or medical licensing board.
- (5) Maintain appropriate audiometric measurement equipment to assess hearing loss to include air conduction, bone conduction, speech reception thresholds, speech discrimination, MCLs and UCLs, and masking capability. He or she will also have appropriate tools to evaluate the condition of the external auditory canal and visualize the tympanic membrane. All evaluation equipment must be calibrated yearly if indicated.
- (6) Maintain an appropriate laboratory for the modification, repair, and/or cleaning of hearing aids and accessories.
- (7) Maintain an appropriate filing system, which includes a client’s personal and appropriate medical history,

audiometric results, and hearing aid information (including warranties and spec sheets) as well as appropriate medical clearances or medical waivers.

(Medical Licensing Board of Indiana; 844 IAC 9-6-3; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1180; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1319)

844 IAC 9-6-4 Failure to comply

Authority: IC 25-20-1-23

Affected: IC 25-20-1

Sec. 4. Failure to comply with sections 2 through 3 of this rule as a hearing aid dealer shall result in disciplinary proceedings against the offending practitioners. *(Medical Licensing Board of Indiana; 844 IAC 9-6-4; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1181; readopted filed Nov 14, 2001, 2:47 p.m.: 25 IR 1317)*